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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,455	01/23/2001	Dale A. Sather	MS158383.1	9738
45979	7590	03/21/2005	EXAMINER	
PERKINS COLE LLP/MSFT P. O. BOX 1247 SEATTLE, WA 98111-1247			SMITH, PETER J	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/767,455

Applicant(s)

SATHER, DALE A.

Examiner

Peter J Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 28-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responsive to communications: amendment filed 12/13/2004.
2. Claims 28-50 are pending in the case. Claims 28, 36, and 44 are independent claims.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 28-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Jacobs, US 6,681,221 B1 filed 10/18/2000.**

**Regarding independent claim 28,** Jacobs discloses identifying elements of the document that are to be items and for each identified element creating an item corresponding to the identified element in fig. 2-3, col. 2 lines 13-29, and col. 2 line 55 – col. 4 line 10. Jacobs discloses for each created item, adding to the item that is a subject of a hierarchical relationship in the document a link to each item corresponding to an identified element that is an object of the hierarchical relationship in fig. 2-3, col. 2 lines 13-29, and col. 2 line 55 – col. 4 line 10. Jacobs teaches for non-hierarchical relationships between elements and content of elements of the document, adding to an item corresponding to the element that is the subject of the non-hierarchical relationship a link to the item corresponding to the content of the element that is the

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object of the non-hierarchical relationship and wherein the items and the links form the new representation of the document in fig. 2-3, col. 2 lines 13-29, and col. 2 line 55 – col. 4 line 10.

**Regarding dependent claim 29**, Jacobs discloses wherein the hierarchical relationships are explicit and the non-hierarchical relationships are implicit in fig. 2-3, col. 2 lines 13-29, and col. 2 line 55 – col. 4 line 10.

**Regarding dependent claim 30**, Jacobs discloses wherein the hierarchical model is XML based in fig. 2-3, col. 2 lines 13-29, and col. 2 line 55 – col. 4 line 10.

**Regarding dependent claim 31**, Jacobs discloses wherein the hierarchical relationships are indicated by parent and child relationships in fig. 2-3, col. 2 lines 13-29, and col. 2 line 55 – col. 4 line 10.

**Regarding dependent claim 32**, Jacobs discloses wherein a non-hierarchical relationship is an attribute of an XML element that refers to another XML element in fig. 2-3, col. 2 lines 13-29, and col. 2 line 55 – col. 4 line 10.

**Regarding dependent claim 33**, Jacobs discloses wherein a non-hierarchical relationship is a property of an XML element that refers to another XML element in fig. 2-3, col. 2 lines 13-29, and col. 2 line 55 – col. 4 line 10.

**Regarding dependent claim 34**, Jacobs discloses wherein a non-hierarchical relationship is content of an XML element that refers to another XML element in fig. 2-3, col. 2 lines 13-29, and col. 2 line 55 – col. 4 line 10.

**Regarding dependent claim 35**, Jacobs discloses where the new representation is based on an item, relationship, and attribute model in fig. 2-3, col. 2 lines 13-29, and col. 2 line 55 –

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col. 4 line 10. Jacobs transforms hierarchical XML information into a direct acyclic graph representation that reads upon the item, relationship, and attribute model.

**Regarding independent claim 36**, Jacobs discloses identifying elements of a document that are to be items in a new representation in fig. 2-3, col. 2 lines 13-29, and col. 2 line 55 – col. 4 line 10. Jacobs discloses for hierarchical relationships between elements of the document, adding to an item a link to the item corresponding to the element that is an object of the hierarchical relationship in fig. 2-3, col. 2 lines 13-29, and col. 2 line 55 – col. 4 line 10. Jacobs discloses for non-hierarchical relationships between elements and content of elements of the document, adding to an item corresponding to the element that is the subject of the non-hierarchical relationship a link to an item corresponding to the content of the element that is the object of the non-hierarchical relationship in fig. 2-3, col. 2 lines 13-29, and col. 2 line 55 – col. 4 line 10. Jacobs discloses adding to items attributes of corresponding elements that do not indicate a relationship between elements in fig. 3 and col. 2 line 55 – col. 4 line 10.

**Regarding dependent claim 37**, Jacobs discloses wherein the hierarchical relationships are explicit and the non-hierarchical relationships are implicit in the document and wherein the non-hierarchical relationships are explicit in the new representation of the document in fig. 2-3, col. 2 lines 13-29, and col. 2 line 55 – col. 4 line 10.

**Regarding dependent claim 38**, Jacobs discloses wherein the hierarchical model is XML based in fig. 2-3, col. 2 lines 13-29, and col. 2 line 55 – col. 4 line 10.

**Regarding dependent claim 39**, Jacobs discloses wherein the hierarchical relationships are indicated by parent and child relationships in fig. 2-3, col. 2 lines 13-29, and col. 2 line 55 – col. 4 line 10.

**Regarding dependent claim 40**, Jacobs discloses wherein a non-hierarchical relationship is an attribute of an XML element that refers to another XML element in fig. 2-3, col. 2 lines 13-29, and col. 2 line 55 – col. 4 line 10.

**Regarding dependent claim 41**, Jacobs discloses wherein a non-hierarchical relationship is a property of an XML element that refers to another XML element in fig. 2-3, col. 2 lines 13-29, and col. 2 line 55 – col. 4 line 10.

**Regarding dependent claim 42**, Jacobs discloses wherein a non-hierarchical relationship is content of an XML element that refers to another XML element in fig. 2-3, col. 2 lines 13-29, and col. 2 line 55 – col. 4 line 10.

**Regarding dependent claim 43**, Jacobs discloses where the new representation is based on an item, relationship, and attribute model in fig. 2-3, col. 2 lines 13-29, and col. 2 line 55 – col. 4 line 10. Jacobs transforms hierarchical XML information into a direct acyclic graph representation that reads upon the item, relationship, and attribute model.

**Regarding independent claim 44**, Jacobs discloses identifying elements of a document that are to be items in a new representation in fig. 2-3, col. 2 lines 13-29, and col. 2 line 55 – col. 4 line 10. Jacobs discloses for hierarchical relationships between elements of the document, adding to an item a link to the item corresponding to the element that is an object of the hierarchical relationship in fig. 2-3, col. 2 lines 13-29, and col. 2 line 55 – col. 4 line 10. Jacobs discloses for non-hierarchical relationships between elements and content of elements of the document, adding to an item corresponding to the element that is the subject of the non-hierarchical relationship a link to an item corresponding to the content of the element that is the

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object of the non-hierarchical relationship in fig. 2-3, col. 2 lines 13-29, and col. 2 line 55 – col. 4 line 10.

**Regarding dependent claim 45**, Jacobs discloses wherein the hierarchical relationships are explicit and the non-hierarchical relationships are implicit in fig. 2-3, col. 2 lines 13-29, and col. 2 line 55 – col. 4 line 10.

**Regarding dependent claim 46**, Jacobs discloses wherein the hierarchical relationships are indicated by parent and child relationships in fig. 2-3, col. 2 lines 13-29, and col. 2 line 55 – col. 4 line 10.

**Regarding dependent claim 47**, Jacobs discloses wherein a non-hierarchical relationship is an attribute of an XML element that refers to another XML element in fig. 2-3, col. 2 lines 13-29, and col. 2 line 55 – col. 4 line 10.

**Regarding dependent claim 48**, Jacobs discloses wherein a non-hierarchical relationship is a property of an XML element that refers to another XML element in fig. 2-3, col. 2 lines 13-29, and col. 2 line 55 – col. 4 line 10.

**Regarding dependent claim 49**, Jacobs discloses wherein a non-hierarchical relationship is content of an XML element that refers to another XML element in fig. 2-3, col. 2 lines 13-29, and col. 2 line 55 – col. 4 line 10.

**Regarding dependent claim 50**, Jacobs discloses where the new representation is based on an item, relationship, and attribute model in fig. 2-3, col. 2 lines 13-29, and col. 2 line 55 – col. 4 line 10. Jacobs transforms hierarchical XML information into a direct acyclic graph representation that reads upon the item, relationship, and attribute model.

***Response to Arguments***

5. Applicant's arguments filed 12/13/2004 have been fully considered but they are not persuasive. Regarding Applicant's arguments in pages 6 and 7 of the response that the Jacobs does not anticipate the claimed invention, the Examiner respectfully disagrees. Regarding Applicant's assertion that both the hierarchical and non-hierarchical relationships are explicitly represented using the same mechanism, the Examiner notes that dependent claim 29 further defines the invention "wherein the hierarchical relationships are explicit and the non-hierarchical relationships are implicit." The Examiner further notes that dependent claims 31 further define the claimed invention to distinctly claim that the hierarchical relationships are indicated by parent and child relationships of XML elements, whereas dependent claims 32-34 further define the claimed invention to distinctly claim wherein the non-hierarchical relationships are an attribute, property, or a content of an XML element that refers to another XML element. These dependent claims cited by the Examiner seem to describe exactly opposite of what Applicant is suggesting in that the hierarchical and non-hierarchical relationships are defined in separate manners. The Examiner interprets the hierarchical relationships of Jacobs to be defined by parent and child relationships of XML elements and the non-hierarchical relationships of Jacobs to be defined by an attribute, property, or a content of an XML element that refers to another XML element and thus maintains that Jacobs anticipates the claimed invention.



***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Smith whose telephone number is 571-272-4101. The examiner can normally be reached on Mondays-Fridays 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PJS  
3/16/2005

  
**JOSEPH FEILD**  
**SUPERVISORY PATENT EXAMINER**